

REMARKS

This is a full and timely response to the Office Action of May 4, 2007. By the present Amendment, the claims have been amended to more particularly and distinctly point out the subject matter of the present invention. Reconsideration and allowance of the application and all presently pending claims are respectfully requested. The courtesy of the Examiner in granting a recent interview with Applicant and Applicant's counsel is acknowledged with appreciation.

By the present Amendment, claims 1, 16 and 30 have been amended, and support for these claim amendments is found throughout the specification and examples therein, and particularly on pages 21-23 and 27-30 therein and associated drawing figures. No new matter is believed to have been added.

Response to 35 USC § 112 rejections

On page 2 of the Office Action, the Examiner has rejected claims 1-30 under 35 USC 112 as being indefinite. Applicant submits that presently amended independent claims 1 and 30 properly identify the term "property-related lien" and that such term is not required in amended independent claim 16. Accordingly, Applicant respectfully submits that this rejection has been traversed.

Response to 35 USC § 102 rejections

On pages 2 through 14 of the Office Action, the Examiner has rejected claims 1-30 under 35 USC § 102(b) based on U.S. Patent Application Publication No. 2002/0107703 to Feinberg et al. (hereinafter "Feinberg"). Based on the above amendments and the present remarks, Applicant submits that these rejections have been traversed.

The present invention

As described in the specification for the present application and as discussed during the interview, the present invention provides in part a release tracking system that not only receives, stores and manages information relating to multiple real estate liens, title and financial transactions in multiple jurisdictions, but also tracks note payoffs and lien releases to provide a variety of benefits to numerous parties. Lenders, borrowers, buyers, settlement agents and title insurers alike all benefit as a result. By tracking, reporting and preparing documents to facilitate lien release, the present invention facilitates the removal of liens recorded against a borrower's property and the recordation of liens against the buyer's property. For a settlement agent, the present invention assists in post-closing processing of lien releases and recordations so that the settlement agent can safely close his or her files.

It will be appreciated that the present invention does not merely assist in the tracking of notes underlying the liens. As described in the specification of the present application, there are two very different documents associated with the real estate transactions contemplated as part of the present invention. There are liens (also called deeds of trust) which are typically recorded with the court house in the jurisdiction in which the property lies, and there are notes, which are the paper documents underlying the lien that can be bought, sold, transferred, securitized and so forth in accordance with market custom. Banks that underwrite mortgage loans try to reduce their costs of managing the notes, and will typically have an internal or external reconveyance department for this purpose. Servicing agencies can also be employed on behalf of note holders to assist with re-payment and enforcement of note terms. Importantly, these types of services

pertaining to the notes correspond to enforcement *against the obligor* (i.e., the borrower of funds) and not the lender. Further, while notes can be tracked to determine who ultimately holds a note at the time a payoff is to occur, the note tracking entities consider their task finished once the current note holder is identified.

By contrast, the present invention as claimed pertains to what happens *after* the note has been satisfied (i.e., the note holder is identified, and the note is paid off by or on behalf of the borrower such that the note holder is no longer owed any monies). It is at this stage that the lien must be released so that the new and proper title can be correctly recorded. In focusing on these aspects, the present invention is not concerned with enforcing against the obligor on behalf of the lender. Rather, the present invention is concerned with enforcing *against the lender* on behalf of the obligor, settlement agencies and title insurers, for example.

Consistent with these aspects of the present invention, claim 1 has been amended to recite that the method claimed therein comprises providing a computer system as claimed with a database of trigger documents, providing access to a database of lien records to a user of an input device, identifying a property-related lien by the computer system based on input from the input device, calculating a trigger date indicative of when the property-related lien is required to be released by a lien holder associated with the property-related lien; determining, by the computer system, that the property-related lien is required to be released and has not been released by the trigger date, and issuing at least one trigger document. Support for the claim amendments shown is found, for example, on pages 21-23 and 27-30 of the specification as filed, and associated drawing figures.

The Feinberg reference

The Feinberg reference pertains to a lien information management system directed to the basic components of the lien and release preparation and recordation processes. The Feinberg reference describes a medical lien recordation and post-payment release recordation process (see paragraphs [0011-0016] wherein the lien release is prepared and recorded once the lien holder has been paid [0016]. The Feinberg system does not address the situation in the real estate context where there is a settlement agent without authority to release a lien on behalf of a payoff lender. Accordingly, Feinberg is noticeably void of any discussion of tracking a lien release status after the underlying note has been satisfied (i.e., once the lien holder has been paid). There is simply no discussion, mention or teaching of such actions, and Feinberg obviously did not contemplate such actions because the Feinberg reference is directed to medical liens and to a lesser extent, construction liens.

In order for a reference to qualify as prior art under 35 USC § 102, the reference must teach each element of the claim. See *Manual of Patent Examining Procedure (MPEP) § 2131* and cases cited therein. For at least the above reasons, Applicant respectfully submits that there is nothing in Feinberg or any other references of record, including that in the attached information disclosure statement, that teaches or suggests the invention as presently claimed, including identifying a property-related lien, calculating a trigger date indicative of when the property-related lien is required to be released by a lien holder associated with the property-related lien; determining that the property-related lien is required to be released and has not been released by the trigger date, and issuing at least one trigger document as claimed in independent claim 1. Independent claim 30 has been amended similarly to claim 1, and independent claim

16 has been amended to incorporate the aspects of amended claim 1 regarding calculating a trigger date indicative of when the lien is required to be released by a lien holder associated with the lien, determining that the lien is required to be released and has not been released by the trigger date, and issuing at least one trigger document.

Because Feinberg does not teach each and every element of the invention as claimed in independent claims 1, 16 and 30, there can be no rejection based on 35 U.S.C. § 102. Further, because Feinberg does not suggest or provide motivation for the claimed invention, either singly or in combination with any other reference of record, there can be no rejection of these claims under 35 U.S.C. § 103. The prior art must teach or suggest *all* claim elements in order to find anticipation or obviousness, and *all* words in a claim must be considered in judging the patentability of that claim against the prior art (see MPEP §§ 706.02(j) and 2143.03). Applicant therefore respectfully submits that the invention as presently claimed is not disclosed or suggested by the prior art of record. Applicant further submits that each of the dependent claims is similarly allowable as being dependent from an allowable independent claim.

For the above reasons, Applicant submits that none of the cited references or other references of record, taken either singly or combined, teaches or suggests the presently claimed invention, and that the rejections in the Office Action of May 4, 2007 have been traversed.

CONCLUSION

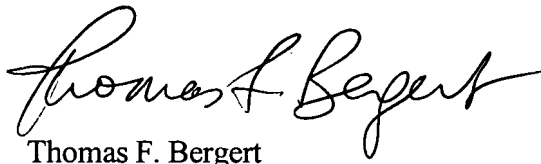
Based on the foregoing, Applicant submits that the present application is in position for prompt adjudication and allowance. Applicant believes that all of the claims currently pending in

the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below.

A petition for three-month extension of time is accompanying this response. Payment of the required extension fee is also accompanying this response. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of any additional required fees, with the exception of the issue fee.

Respectfully submitted,
WILLIAMS MULLEN, PC

A handwritten signature in black ink, reading "Thomas F. Bergert". The signature is fluid and cursive, with the first name "Thomas" and last name "Bergert" clearly legible.

Thomas F. Bergert
Counsel for Applicant
Reg. No. 38,076

Filed: October 31, 2007

Thomas F. Bergert, Esq.
Williams Mullen, PC
8270 Greensboro Drive, Suite 700
McLean, Virginia 22102
(703) 760-5200
tbergert@williamsmullen.com
1493045